

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FT. WORTH DIVISION**

U.S. PASTOR COUNCIL, et al.,

Plaintiffs,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, et al.,

Defendants.

Case No. 4:18-cv-00824-O

**MOTION FOR A STAY OF ALL PROCEEDINGS
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants hereby move for a stay of proceedings in the above-captioned case. In support of this request, undersigned counsel highlights the following:

1. At the end of the day on December 21, 2018, the appropriations acts that had been funding the Department of Justice and the Equal Employment Opportunity Commission, expired and appropriations to the Department lapsed. Defendants do not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the Defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice has therefore been required to request a stay of proceedings in all pending matters until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for Defendants. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. The most salient currently pending deadlines are those set by the Court's Order Requiring Scheduling Conference and Report, ECF No. 10, which requires that a scheduling conference be held by January 1, 2019, with a report to follow by January 15, 2019. Among other things, this Order strongly encourages that the scheduling conference be held face-to-face, which cannot readily occur during the appropriations lapse. Defendants respectfully request that this order be vacated or that these deadlines be stayed for the duration of the lapse in appropriation.

6. On December 26, 2018, undersigned counsel reached out to Plaintiffs' counsel to obtain their position on this motion, and, in the absence of relief from the Court, to attempt to schedule a conference prior to January 1, 2019 in compliance with the Court's Order. Plaintiffs' counsel has not yet responded.

In sum, although we greatly regret any disruption caused to the Court and the other litigants, Defendants hereby move for a stay of proceedings in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

A proposed order is attached.

Dated: December 27, 2018

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

JOSHUA GARDNER
Senior Litigation Counsel

/s/
ERIC J. SOSKIN (PA Bar #200663)
Senior Trial Counsel
Federal Programs Branch
U.S. Department of Justice, Civil Division
1100 L Street, NW Rm. 12002
Washington, DC 20530
Telephone: (202) 353-0533
Fax: (202) 616-8470
Email: Eric.Soskin@usdoj.gov
Counsel for Defendants